RECEIVED
MAR 22 1982
OFFICE OF THE CLERK
SUPREME COURT, U. S.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1982

STATE OF ALABAMA,
PETITIONER

VS.

WALTER HILL,
RESPONDENT

CASE NO. 81-1515

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Comes now the Respondent, Walter Hill, and moves this Honorable Court for leave to proceed in forma pauperis. The State of Alabama, through its Special Assistant Attorney General has filed a Petition for a Writ of Certiorari to this Honorable Court in opposition to a new trial ordered for your Respondent by the Supreme Court of Alabama. Your Respondent would further show that he has been incarcerated in the penitentiary for a long period of time, that he is without funds to pay costs or employ counsel to represent him in this cause.

Your Respondent is indigent and he would respectfully ask this Honorable Court to employ counsel to represent him in this cause.

Walter Hill by Robert C. Boyce III

WALTER HILL, RESPONDENT
BY: ROBERT C. BOYCE, III

OF COUNSEL:

FURNER, BOYCE & NAVE
510 North 18th Street
Bessemer, AL 35020
426-1276

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1982

STATE OF ALABAMA,	)	
	)	
PETITIONER	)	
	)	CASE NO. 81-1515
VS.	)	
	)	
WALTER HILL,	)	
	)	
RESPONDENT	)	

OBJECTION TO PETITION FOR A WRIT OF CERTIORARI

Comes now the Respondent, Walter Hill, and respectfully objects to the Petition for a Writ of Certiorari heretofore filed by the State of Alabama. As grounds therefore, the Respondent says:

1. The Petition for a Writ of Certiorari is not properly before this Honorable Court.

2. The decision of this Honorable Court in Beck v. Alabama, 447 U.S. 625 (1980) has been properly followed by the Supreme Court of Alabama in the Respondent's case and a new trial has been ordered.

3. The constitutional issues raised by the Petitioner have been decided by this Honorable Court.

Walter Hill by Robert C. Boyce III

WALTER HILL, RESPONDENT
BY: ROBERT C. BOYCE, III

OF COUNSEL:

FURNER, BOYCE & NAVE
510 North 18th Street
Bessemer, AL 35020
426-1276

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1982

STATE OF ALABAMA,	)	
PETITIONER	)	
	)	CASE NO. 81-1515
VS.	)	
	)	
WALTER HILL,	)	
	)	
RESPONDENT	)	

AFFIDAVIT TO ACCOMPANY MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

I, Walter Hill being first duly sworn, depose and say that I am the Respondent in the above-entitled case, and that in support of my motion to proceed on appeal without being required to prepay fees, costs or give security therefore, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? _____

   a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

   b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? _____

   a. If the answer is yes, describe each source of income, and state the amount received from each during the past twelve months.

3. Do you own any cash or checking or savings account?

_____

a. If the answer is yes, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? _____

a. If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support and state your relationship to those persons.

I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

_____
WALTER HILL

STATE OF ALABAMA)
JEFFERSON COUNTY)

Sworn and subscribed to before me this _____ day of _____, 1982.

_____
NOTARY PUBLIC

RECEIVED
MAR 22 1982
OFFICE OF THE CLERK
SUPREME COURT, U.S.

LAW OFFICES OF
FURNER, BOYCE & NAVE
810 NORTH 18TH STREET
P.O. BOX 767
BESSEMER, ALABAMA 35021
PHONE: 426-1276

WALTER W. FURNER
ROBERT C. BOYCE III
DICK D. NAVE

March 18, 1982

Clerk of the Supreme Court
Supreme Court of the United States
U. S. Supreme Court Building
1 First Street N.E.
Washington, DC 20543

Re: State of Alabama vs. Walter Hill
Case No. 81-1515
Supreme Court of the United States

Dear Sir:

This will confirm my telephone conversation with a member of your office on March 16, 1982 regarding the above cause. At the present time the Respondent, Walter Hill, is incarcerated at the Holman Penitentiary and has been there since 1980. The prison is approximately 250 miles from my office in Bessemer, Alabama and there is not sufficient time to forward the pleadings to Mr. Hill for his signature before they are due in the Supreme Court. Accordingly, I have signed on Mr. Hill's behalf and forwarded copies of said pleadings to him. I have instructed Mr. Hill to sign those pleadings and forward them directly to you.

I realize that this is a departure from the normal routine, but it was unavoidable under the circumstances.

Sincerely,

FURNER, BOYCE & NAVE

BY: Robert C. Boyce, III

RCB/dt
cc. J. Anthony McLain, Esq.
Special Assistant Attorney General of Alabama
McLain & Hampton
567 South Hull Street
Montgomery, AL 36104

Jackie M. McDougal, Esq.
Attorney-at-Law
1821 3rd Avenue North
Bessemer, AL 35020

Mr. Walter Hill
P. O. Box 37
Holman Station, AL 36503

LAW OFFICES OF
FURNER, BOYCE & NAVE
510 NORTH 18TH STREET
P. O. BOX 767
BESSEMER, ALABAMA 35021
PHONE: 426-1276

WALTER W. FURNER
ROBERT C. BOYCE III
DICK D. NAVE

March 18, 1982

Mr. Walter Hill
P. O. Box 37
Holman Station, AL 36503

Re: State of Alabama vs. Walter Hill
Case No. 81-1515
Supreme Court of the United States

Dear Walter:

On March 16, 1982 I received a telephone call from a member of the clerk's office of the United States Supreme Court. He advised me as to an appropriate procedure to follow in opposing the Petition for a Writ of Certiorari previously filed by the Attorney General's office. This was necessary because neither Mr. McDougal nor myself are members of the United States Supreme Court Bar.

Enclosed for your signature are the following pleadings:

1. Objection to Petition for a Writ of Certiorari.
2. Motion for Leave to Proceed in Forma Pauperis.
3. Affidavit to Accompany Motion for Leave to Appeal in Forma Pauperis.

I want you to study these pleadings very carefully and, if they correctly reflect your position, sign them and return same to me as quickly as possible. With respect to your affidavit, you need to answer the questions fully and have your signature notarized.

If you have any questions concerning this procedure, please correspond.

Sincerely,

FURNER, BOYCE & NAVE

BY: _____
Robert C. Boyce, III

RCB/dt
cc. Jackie McDougal, Esq.
Attorney-at-Law
1821 3rd Avenue North
Bessemer, AL 35020

√ Clerk of the Supreme Court
Supreme Court of the United States
U. S. Supreme Court Building
1 First Street N.E.
Washington, DC 20543